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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,379	03/03/2005	Michael Geprags	12810-00023-US	3841
30678 7590 12/13/2007 CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20036			EXAMINER PEPITONE, MICHAEL F	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,379

Applicant(s)

GEPRAGS, MICHAEL

Examiner

Michael Pepitone

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/3/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Specification***

The disclosure is objected to because of the following informalities: The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. The applicant has failed to incorporate a foreign test standard in the specification.

The incorporation of essential material by reference to a foreign application or foreign patent or to a publication inserted in the specification is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or applicants attorney or agent, stating that the amendatory material consists of the same application. *In re Hawkins*, 486 F.2d 569, 179 USPQ 157; *In re Hawkins*, 486 F.2d 569, 179 USPQ 163; *In re Hawkins*, 486 F.2d 569, 179 USPQ 167.

In order to avoid a 35 U.S.C. § 112, first paragraph rejection when the applicant attempts to incorporate a foreign test standard in the specification (see pg. 3, ln. 30; pg. 6, ln. 15; pg. 16, ln. 5, 14, 40-41, 43-44; Table 1), it is recommended that the applicant further incorporates the standard in the specification or submit an English translation of the standard.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1796

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heitz *et al.* (US Patent 5,733,959), in view of Shelby *et al.* (US Patent 5,980,797).

Regarding claims 1-3, and 10: Heitz *et al.* teaches thermoplastic molding compounds comprising 20-90 wt% polyester, made up of polyalkylene terephthalates and fully aromatic polyesters (1:1-10; 2:61-64; 3:1-4:22) having viscosity numbers ranging from 127 ml/g to 169 ml/g [instant claims 3 and 10] (4:18-22; Tables 1 and 2); 0-75 wt% of conventional additives and processing aids (1:41-42; 12:59-63); wherein the total of components being 100% (1:43-44). The molding compounds produced by the process of mixing the components (compounding), extruding (discharging), cooling, and comminuting/granulating (pelletizing) (14:7-23; 14:60-64). Heitz *et al.* does not teach compounding with water or devolatilizing. However, Shelby *et al.* teaches a process for preparing polyester articles with low acetaldehyde content by mixing an acetaldehyde stripping agent {water (2:4-7)} in an amount of 0.5% [instant claim 2] (8:21-24) into the polyester and subsequently devolatilizing the polyester (1:1:10-20; 3:15-30). Heitz *et al.* and Shelby *et al.* are combinable because they are concerned with a similar technical difficulty, namely the preparation polyesters. At the time of invention a person of ordinary skill in the art would have found it obvious to have compounded with water and devolatilized the polyester, as taught by Shelby *et al.* in the invention of Heitz *et al.*, and would have been motivated to do so since Shelby *et al.* suggests that the resulting low acetaldehyde polyester forms articles with better color, enhanced molecular weight, and fewer physical defects, as well as having a low

Art Unit: 1796

acetaldehyde content (2:55-57), and is an equivalent alternative means of providing a polyester molding composition.

Regarding claims 4, 11-12: Heitz *et al.* teaches the basic claimed composition [as set forth above with respect to claims 1-3], wherein the other additives {0-75 wt%} comprise nucleating agents, specifically talc (1:41-42; 12:59-63; 13:11-12).

Regarding claims 7-8: Heitz *et al.* teaches the basic claimed composition [as set forth above with respect to claim 1], wherein the process produces moldings, fibers, and films (14:23-28).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heitz *et al.* (US Patent 5,733,959) as applied to claims 1 and 8 above, and further in view of Kosugi *et al.* (US 2002/0075686).

Regarding claim 9: Heitz *et al.* teaches the basic claimed composition [as set forth above with respect to claims 1 and 8], wherein the process produces moldings (1:45-47; 14:23-28). Heitz *et al.* does not teach a headlamp panel. However, Kosugi *et al.* teaches a process for preparing molded polyester headlamp panels (§ 2-3). Heitz *et al.* and Kosugi *et al.* are combinable because they are concerned with a similar technical difficulty, namely the preparation of polyesters moldings. At the time of invention a person of ordinary skill in the art would have found it obvious to have molded a polyester headlamp panel, as taught by Kosugi *et al.* in the invention of Heitz *et al.*, and would have been motivated to do so since Kosugi *et al.* suggests that thermoplastic polyester resins {pbt and pet} with reinforcing fillers blended in

Art Unit: 1796

afford molded articles suitable for headlamp panels (§ 5), and is an equivalent alternative means of providing a polyester molding composition.

Claims 5-6, and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heitz *et al.* (US Patent 5,733,959) as applied to claims 1-4 above, and further in view of Karayannidis *et al.* (*Angew. Makromol. Chem.* 1991, 192, 155-168).

Regarding claims 5-6 and 13-19: Heitz *et al.* teaches the basic claimed composition [as set forth above with respect to claims 1-4], but does not teach polyesters having carboxyl (COOH) end group values listed in instant claims 5-6 and 13-19. However, Karayannidis *et al.* teaches a relationship of various reaction parameters to inherent viscosity and carboxy end groups (pg 155, 157-158). Heitz *et al.* and Karayannidis *et al.* are combinable because they are concerned with a similar technical difficulty, namely the preparation of polyesters. At the time of invention a person of ordinary skill in the art would have found it obvious to have optimized the carboxy end group number, as taught by Karayannidis *et al.* in the invention of Heitz *et al.*, and would have been motivated to do so since Karayannidis *et al.* suggests that carboxy end group number relates to the molecular weight and inherent viscosity of the polymer (which relates to physical properties and processability of the polymer) (157-158), and is an equivalent alternative means of providing a polyester composition.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. See attached form PTO-892.

Art Unit: 1796

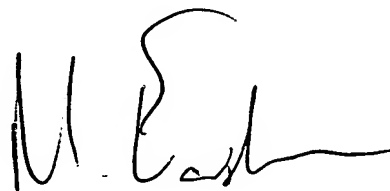
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pepitone whose telephone number is 571-270-3299. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MFP
05-December-07



MARK EASHOO, PH.D.
SUPERVISORY PATENT EXAMINER

05/Dec/07